

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JULY 15, 2009 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mrs. Hopkins, established the presence of a quorum.

Present: Robert Miller, Chair
 Walt Haynes, Vice Chair
 William Seitz, Secretary
 Frank Lau, Member
 Bryan Rice, Member
 John Tuttle, Member
 David Moore, Member
 Malvin Wells, Member
 John Muffo, Board of Supervisors Liaison
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Brea Hopkins, Zoning Technician
 Jamie MacLean, Development Planner
 Kevin Byrd, Comprehensive Planner
 Marty McMahon, County Attorney

Absent: Ryan Thum, Member

PUBLIC ADDRESS:

Mr. Miller opened the public address; however, there being no speakers the public address was closed.

APPROVAL OF AGENDA:

On a motion by Mr. Wells, seconded by Mr. Tuttle, and unanimously carried the agenda was approved as amended with the addition of Roger Woody Variance Request under New Business.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Wells and unanimously carried the consent agenda was approved.

PUBLIC HEARING:

A request by Emerald Investors, Inc (Agent: Balzer & Associates) for rezoning of approximately 9.44 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales. The property is located approximately 500 ft. southwest of the I-81 Exit 109 and Tyler Road intersection, 2843 Tyler Road, identified as Tax Parcel No(s). 104-A-30 (Acct Nos. 011606), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

Mr. Miller introduced the request.

Mr. Byrd stated the request was to rezone approximately 9.44 acres to General Business. He reviewed the maps, photos, concept plan, and video of the property. The site lies within the urban expansion

area of the comprehensive plan. The parcel also lies within the Rt. 177 corridor agreement area. The project consists of two phases. Phase 1 includes the storm water management area and a gas station with eight (8) pumps. In the Phase 2 a retail/general office structure is proposed along with upgrades to Wiffle Tree lane to provide an additional access. The traffic impact analysis comments from VDOT are expected July 17th. There are new VDOT regulations that will be effective October 1, 2009. If approval is not achieved prior to that date then the development of the property would be limited. Water can be provided by the Public Service Authority and sewer can be provided; however, capacity is limited. It may be possible to connect to the VDOT rest area west of the property for sewer service. The proposed project conforms to the 177 Corridor Plan and to the Comprehensive Plan. Proffers have been submitted to minimize potential impacts. Solutions to traffic issues may be resolved with a traffic signal. The MPO has added the project to their long-range plan. The issues concerning this request include: TIA comments from VDOT, need for a left-out during Phase 1 development, sewer capacity for properties within the 177 corridor. Staff has received one comment regarding development in this area.

Mr. Seitz stated a response from APCO was needed regarding the impact of the power line.

Mr. Miller opened the public hearing.

Mr. Steve Semones, Balzer & Associates, stated the owner purchased the property with plans to eventually open a convenience store with gas station. APCO will not permit a structure within the power line easement; however, will permit a storm water management area, parking, etc. Attempts will be made to obtain something in writing from APCO. There is not a proposed time frame for developing Phase 2. Sewer has been an issue for all proposed projects in the area. The use estimates are based on Health Department standards and are well overstated to provide a buffer. The health department estimate for a similar store near the interstate would be 24,000 gpd. Using the utility records over the last several months the stores actual usage is 1,136 gpd. Traffic has been studied along the entire corridor including the proposed right-in, right-out access. Based on other possible convenience stations with gasoline pumps being located closer to the interstate, the proposed station may be used more for through traffic. The left out could not be accomplished without creating another intersection median and to construct the road proposed in Phase 2 would make the project feasibly difficult.

Mr. Clark, owner stated the property was purchased with the idea of building a convenience store. AEP issued a letter years ago that permitted parking within the easement; however, stated that no structures would be permitted under the power line. He noted he was willing to work with the other projects proposed to develop the best plan. It is not financially feasible to grade the hill and provide the full access during Phase 1.

Mr. Christodoulides, Carilion's Director of Project Management, stated the development is desired near the hospital. There are minor concerns regarding storm water management and the possible traffic that will be produced by the projects. A commitment was made by the hospital that a traffic light would be installed at Barn Road. It is assumed by the hospital that the developer would be required to participate in funding the traffic light. Sewer and water capacity is also a concern for the area.

There being no further comments the public hearing was closed.

Mr. Wells stated the applicant should address the issues raised by staff prior to action being taken.

Mr. Haynes stated he saw no problem in developing the area; however, the right-in, right-out is a major concern that needs to be addressed for this particular project.

Mr. Moore stated it is necessary to have VDOT comments prior to making a recommendation and it would be beneficial to know where the public utilities are coming from.

On a motion by Mr. Wells, seconded by Mr. Haynes and unanimously carried the planning commission tabled the Emerald Investors, Inc (Agent: Balzer & Associates) rezoning and special use permit request until the August meeting in order to allow the applicant additional time to address the following issues:

1. Allow VDOT to provide comments on the Traffic Impact Analysis submitted by the applicant.
2. Provide a strategy to address sewer availability in the Rt. 177 Corridor.
3. Provide a left turn out of the property onto Tyler Road or possible connection to the roundabout.

OLD BUSINESS:

A request by S&P of Virginia, LLC (Agent: Balzer & Associates) for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings. In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The property is located on the Southwest corner of the I-81, Exit 109 and Tyler Road (Rte. 600) intersection, 2735 Tyler Road, identified as Tax Parcel No(s). 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and further designated as Planned Commercial and Planned Unit Residential in the Route 177 Corridor Plan with a maximum density of four (4) dwelling units per acre. (Kevin Byrd)

On a motion by Mr. Haynes, seconded Mr. Moore and unanimously carried the planning commission removed the request from the table for discussion.

Mr. Miller introduced the request.

Mr. Byrd reviewed the proposal and discussion from the June meeting. The revised traffic impact analysis has been submitted to VDOT based on their comments in the four(4) page letter dated June 2, 209 and signed by John C. Thompson, P.E. The round-about has been revised from a 2-lane to 1-lane round-about as suggested by VDOT. An upgrade to the pump station or connection to the VDOT rest area will be required. Proffers have been received to minimize the impact and establish appropriate timelines for development. Sewer capacity remains undetermined; however, all parties involved are working diligently to resolve the issue.

Mr. Haynes asked if the proposed round-about would be able to serve the Emerald Investors site.

Mr. Byrd stated that he did not believe it was located close enough that the round-about can resolve the issue with the Emerald Investors site.

Mr. Miller stated closing the north bound rest area should reduce the sewer capacity that is currently being used in the corridor.

Mr. Rice stated he preferred the 1-lane round-about. The proposed uses are compatible with the comprehensive plan.

Mr. Moore stated the sewer issue is the capacity of the pump station and treatment facility. He asked if there was an issue with the line size as well.

Mr. Byrd stated the City of Radford has pending projects as well and are working with the County to determine those answers. Some preliminary engineering work will be required to determine if the lines are sufficient to meet the needs of the developments.

Mr. Wells stated he was impressed with all parties involved in this development. The City of Radford, Montgomery County, VDOT, PSA, and the developers have been working together on these proposed developments.

Mr. Moore stated that the property is located within the 177 Corridor and is the type of development desired in this area. It has worked well that all three requests have come forth at the same time.

On a motion by Mr. Wells, seconded by Mr. Rice and carried by a 8-0 vote (Thum absent) the planning commission recommended approval of the request by S&P of Virginia, LLC (Agent: Balzer & Associates) for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), to allow various commercial uses and single family residential dwellings provided a means to address sewer availability in the Rt. 177 Corridor is addressed and with the following proffered conditions:

1. Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated May 1, 2009.
2. Site shall be served by Montgomery County PSA sanitary sewer and water.
3. A detailed site plan/subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
4. Storm water management on the property shall be in accordance with all State and Local storm water management standards.
5. A minimum of 10% of the overall storm water management requirements will be provided by Low Impact Development techniques.
6. The proposed access entrances onto Bains Chapel Road shall be approved by the Virginia Department of Transportation prior to the recordation of any residential subdivision plats.
7. The following uses will be prohibited in the General Business District: building material sales, cemetery, crematorium, homeless shelter, motor vehicle rentals, automotive-light truck, and funeral home.
8. Homes in the Residential District are to be on permanent foundations and shall be either stick built or pre-manufactured and assembled onsite.
9. The Tyler Road entrance improvements will be constructed and approved and accepted by VDOT prior to any building permits being issued.
10. The main road and entrance improvements at Bains Chapel Road connecting Bains Chapel Road with Tyler Road shall be constructed, approved and accepted by VDOT prior to any building permits being issued in the Residential portion of the proposed development or prior to more than 50% (10.57 acres) of the General Business District being authorized for development pursuant to an approved site plan(s) whichever occurs first.

On a motion by Mr. Haynes, seconded by Mr. Lau, and carried by an 8-0 vote (Thum absent) the planning commission recommended approval of the request by S&P of Virginia, LLC (Agent: Balzer & Associates) for a special use permit in the General Business (GB) district to allow a convenience store with motor fuel sales with following conditions:

1. All exterior lighting on the site shall conform to Montgomery County Code 10-46, Performance Standards.
2. The site shall not be utilized as a trucking terminal. Overnight or extended parking of tractor trailers shall be prohibited.
3. Site design and fuel pumps shall follow best management practices of the Virginia Department of Environmental Quality to prevent spills and leakage of fuel into groundwater or storm water facilities.

A request by William E. & Susan McGann Osborne (Agent: Gay & Neel, Inc.) for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow contractor's storage yard. The property is located at 1806 Brookfield Road, and is identified as Tax Parcel No(s). 52-3-2C and a portion of 52-3-2D (Acct Nos. 013253, 011315), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan. (Kevin Byrd)

On a motion by Mr. Lau, seconded Mr. Seitz and unanimously carried the planning commission removed the request from the table for discussion.

Mr. Miller introduced request.

Mr. Byrd reviewed the request previously heard on April 8, 2009. The applicant has submitted building plans and has applied for a building permit for the metal structure in an attempt to bring the building into compliance. The county engineer has stated no additional fill is permitted; however, the existing fill can remain. The building official has stated a permit is not required for the 250 gallon fuel tank. Mr. Byrd reviewed pictures taken on July 10, 2009 from the site during an inspection. The only outstanding issue is the metal building and satisfying building requirements. It is preferred by staff that the building issue be resolved prior to board hearing. Mr. Byrd also noted that the timeframe for the Planning Commission to make a recommendation would expire before the next meeting; therefore, a motion or recommendation should be made.

Mr. Lau stated the building issue should be resolved prior to recommending approval.

Mr. Rice stated the building permit should be issued prior to proceeding with approval.

Mr. Muffo noted that it would be helpful to the Board to know that the only reason for denial/non-action is the issue of the building. If the problem is resolved then the Board of Supervisors can process the request and avoid further delay.

Mr. Conner, Gay & Neel, stated the owner was concerned with the condition relating to outside storage of materials. Plants, trees, mulch, etc. are required to be stored outside.

On a motion by Mr. Lau, seconded by Mr. Haynes, and carried by a 6-2 vote (Miller, Wells opposed, Thum absent) the planning commission recommend denial of the request by William E. & Susan McGann Osborne (Agent: Gay & Neel, Inc.) for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow contractor's storage yard.

Mr. Wells noted if the building permit was approved the request could have been supported.

Ordinance Amendment Regarding Agricultural Uses & Definitions

Ms. Jenkins discussed the ordinance amendment regarding agricultural uses. The issue arose after a complaint was received regarding tandem trailers being used for storage of straw until it was purchased and delivered to other sites. Many farms use these trailers to store hay or materials used on the farm. The Right to Farm Act has to be considered during the development of this ordinance change. Ms. Jenkins stated that she would work with the County Attorney to develop appropriate language.

NEW BUSINESS:

Roger Woody Variance Request

Mr. Sandy stated the 177 corridor within the zoning ordinance allowed for a variance consideration for additional entrance locations not proposed on the master plan. Staff is working with VDOT to have them accept the existing corridor plan prior to the October changes. The secondary entrance proposed

by Mr. Woody is not on the master plan. It is proposed as a right-in, right-out access. The BZA will be considering the request; however, the ordinance allows for the Planning Commission to submit comments if desired.

Mr. Wells stated he would support the additional entrance. He noted that a secondary entrance was a benefit for emergency services and to maintain traffic flow.

Mr. Lau asked if the round-about could be elongated to allow more than four entrances.

Mr. Steve Schmidt, Balzer & Associates, stated it has been done in other states. Special approval would have to be granted from VDOT. It is still being studied to determine feasibility.

Village Speed Limits

Mr. Sandy stated that an issue regarding the speed limit within village areas was discussed at a Board meeting. The comprehensive plan does include some reference that the speed limits should be reduced within the village. There are some issues to work through because VDOT will not reduce the speed limit until developed; however, the property cannot be developed because of site distance and speed limits. Discussions are being held with VDOT on potential resolutions.

WORKSESSION:

None

LIAISON REPORTS:

Board of Supervisors

Mr. Muffo thanked the planning commission members for attending the work session held regarding the 177 corridor development.

Agriculture & Forestal District

No report.

Blacksburg Planning Commission

No report.

Christiansburg Planning Commission

No report.

Economic Development Committee

No report.

Public Service Authority

Mr. Wells stated the PSA held a closed session regarding the Exit 109 projects.

Parks & Recreation

No report.

Radford Planning Commission

Mr. Miller stated the Radford Planning Commission met regarding new development along the 177 corridor.

School Board- Bill Seitz

No report.

Transportation Safety Committee- Malvin Wells

No report.

Planning Director's Report

No report.

Mr. Moore stated the BZA heard an appeal regarding Northwoods Subdivision. It should be noted that proffered conditions need to be clear. There may need to be some revisions to the ordinance to prevent multiple cul-de-sacs.

Mr. Sandy noted that the new street standards may address that issue.

There being no further business, the meeting was adjourned at 9:00 pm.